

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JACOB IVAN SCHMITT,

Petitioner,

v.

ERIC JACKSON,

Respondent.

CASE NO. 3:18-cv-05602-BHS-JRC

ORDER GRANTING MOTION TO
CONTINUE STAY

This matter is before the Court on referral from the district court and on respondent's motion to continue the stay. *See* Dkt. 34.

Petitioner filed this petition in July 2018. *See* Dkt. 1. The Court subsequently granted multiple motions to stay this matter on the basis that petitioner is exhausting his state court remedies. *See* Dkts. 16, 18, 20, 24, 25, 29, 31, 33. In the most recent status report, respondent informs the Court that the state court has not yet issued a decision and requests another stay. *See* Dkt. 34. Petitioner did not respond.

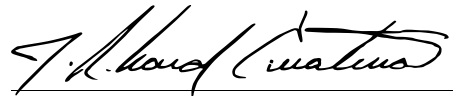
1 The Court may stay consideration of a habeas petition to allow a petitioner to exhaust his
2 remedies in state court before returning to federal court. *See Rhines v. Weber*, 544 U.S. 69, 274–
3 79 (2005). Because petitioner is still exhausting his state court remedies, the undersigned finds
4 good cause to grant respondent’s request. Therefore, it is ORDERED:

5 (1) Respondent’s motion to continue the stay (Dkt. 34) is granted, and the stay in this
6 matter is extended to **June 9, 2023**. Respondent shall file a report advising the Court of the status
7 of petitioner’s state court relief and, if necessary, a motion to extend the stay on or before **May 5,**
8 **2023.**

9 (2) Should the state court terminate review of petitioner’s state court filing, either
10 petitioner or respondent shall inform the Court and request that the stay be lifted within 30 days
11 of the state court’s decision.

12 (3) The Clerk shall note the deadlines set by this Order on the docket for this matter.

13 Dated this 6th day of December, 2022.

14 

15 J. Richard Creatura
16 Chief United States Magistrate Judge